

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-22 are pending in this application.

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interview conducted on September 1, 2010, Applicants wish to thank the Examiner for the courtesies extended during the interview. Applicants submit the following discussion to provide a complete record of the issues discussed during the Examiner interview.

During the phone interview the Examiner used new embodiments and new reasoning in her rejections of the claims. The Examiner alleged that Fig. 11 of Shimada discloses each and every element as recited in claim 1. While Applicants do not necessarily agree with the Examiner, during the phone interview, Applicants proposed amending claim 1 to recite, inter alia, "linking the audio file to the client's financial account."

The Examiner alleged that she would maintain her rejection in regards to the linking step because the linking step has already been affirmed by the Board of Patent Appeals and Interferences. In response, Applicants argued the Board could not have affirmed this rejection because the claim amendments recite new limitations and elements.

No agreement was reached during the Examiner interview.

Rejections under 35 U.S.C. § 102

Claims 1-2, 8, 13-16 and 18-22

Claims 1-2, 8, 13-16 and 18-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shimada et al. (US Patent No. 6,396,919). Applicants respectfully traverse this rejection for the reasons detailed below.

To expedite prosecution and without conceding to the Examiner's positions, Applicants have amended claim 1 to recite, inter alia, "linking the audio file to the **client's financial account**." At least these limitations are not anticipated by Shimada.

Fig. 11 and col. 11, lines 35-65 of Shimada illustrate a conversation is stored in correspondence with a **transaction number**, which indexes recorded conversations in a continuous fashion by **date and time**.

However, storing a conversation by transaction number does not meet "linking the audio file to the **client's financial account**" as recited in amendment claim 1 because in claim 1 a customer can access the stored audio file **without having to know the time and date when the conversation took place**. Yet, knowing the time and date of a conversation **is necessary** when storing an audio file corresponding with a transaction number as used in Shimada.

Because Shimada teaches storing a conversation in correspondence to a **transaction number**, Shimada does not teach "linking the audio file to the **client's financial account**" as recited in claim 1. Therefore, Shimada fails to teach each and every element as recited in claim 1.

In addition, 37 CFR 1.198 recites,

When a decision by the Board of Patent Appeals and Interferences on appeal has become final for judicial review, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or § 41.50 of this title without the written authority of the Director, and then **only for the consideration of matters not already adjudicated**, sufficient cause being shown. (Emphasis Added)

Because Applicants filed an Amendment under 37 C.F.R. §1.114 on February 3, 2009 prosecution, of this Application was re-opened. Additionally, because this Amendment filed on September 15, 2010 contains **new elements and limitations not previously presented before the Board of Patent Appeals and Interferences**, this Amendment contains "**matters not already adjudicated**" by the Board and the Examiner **must address these new elements and limitations**.

In view of the above, Applicants submit independent claim 1 is allowable. Applicants respectfully submit that independent claims 16 and 19 are allowable for at least somewhat similar reasons as state above with respect to claim 1 and on their own merits. Furthermore, Applicants respectfully submit that dependent claims 2, 8,

13-16 and 18-22 are allowable at least by virtue of their dependency from allowable base claims.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 102(e) be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 3-4

Claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada et al. (US Patent No. 6,396,919) as applied to claim 1 above, and further in view of DeMartin et al. (US Patent No. 6,226,672) and Dockes et al. (US Patent No. 5,974,004). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use DeMartin or Dockes to teach or suggest the features as discussed above with respect to claim 1, nor does DeMartin or Dockes provide such teachings. Accordingly, Applicants submit that DeMartin and Dockes fail to cure the deficiencies as discussed above. Because Shimada in view of DeMartin and Dockes fails to teach or suggest each and every element of independent claim 1 and cannot be combined to do so, these references can not anticipate or render obvious independent claim 1. Claims 3-4 are allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 5 and 10

Claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada et al. (US Patent No. 6,396,919) as applied to claim 1 above, and further in view of Kelly et al. (US Patent No. 6,047,292). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Kelly to teach or suggest the features as discussed above with respect to claim 1, nor does Kelly provide such teachings. Accordingly, Applicants submit that Kelly fails to cure the deficiencies as discussed above. Because Shimada in view of Kelly fails to teach or suggest each and every element of independent claim 1 and cannot be combined to do so, these references can not

anticipate or render obvious independent claim 1. Claims 5 and 10 are allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 6, 9 and 11

Claims 6, 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada et al. (US Patent No. 6,396,919) as applied to claim 1 above, and further in view of Dockes et al. (US Patent No. 5,974,004). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Dockes to teach or suggest the features as discussed above with respect to claim 1, nor does Dockes provide such teachings. Accordingly, Applicants submit that Dockes fails to cure the deficiencies as discussed above. Because Shimada in view of Dockes fails to teach or suggest each and every element of independent claim 1 and cannot be combined to do so, these references can not anticipate or render obvious independent claim 1. Claims 6, 9 and 11 are allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 7 and 12

Claims 7 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada et al. (US Patent No. 6,396,919) as applied to claim 1 above, and further in view of Akagiri (US Patent No. 5,491,481). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Akagiri to teach or suggest the features as discussed above with respect to claim 1, nor does Akagiri provide such teachings. Accordingly, Applicants submit that Akagiri fails to cure the deficiencies as discussed above. Because Shimada in view of Akagiri fails to teach or suggest each and every element of independent claim 1 and cannot be combined to do so, these references can not anticipate or render obvious independent claim 1. Claims 7 and 12 are allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claim 17

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada et al. (US Patent No. 6,396,919) as applied to claim 16 above, and further in view of Cannon et al. (US Patent No. 6,430,270). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Cannon to teach or suggest the features as discussed above with respect to claim 16, nor does Cannon provide such teachings. Accordingly, Applicants submit that Cannon fails to cure the deficiencies as discussed above. Because Shimada in view of Cannon fails to teach or suggest each and every element of independent claim 16 and cannot be combined to do so, these references can not anticipate or render obvious independent claim 16. Claim 17 is allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claim under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

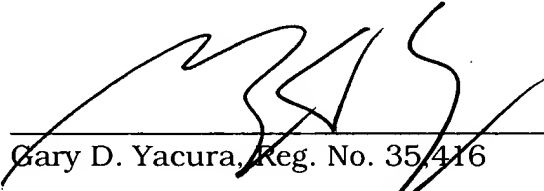
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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